

# EXHIBIT E

## JONES DAY

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February 16, 2007

### VIA EMAIL

Ana Maria Martinez  
Assistant United States Attorney  
U.S. Department of Justice  
99 N.E. 4 Street  
Miami, FL 33132

Re: *U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories*,  
MDL No. 1456/Civil Action No. 01-12257-PBS

Dear Ani:

On December 4, 2006, you served on Abbott the United States' Objections and Responses to Defendant Abbott's First Set of Interrogatories. Rule 33(b)(2) required that those responses "be signed by the person making them." Furthermore, Rule 33(b)(1) requires that "[e]ach interrogatory shall be answered separately and fully in writing under oath." You have provided sworn verifications only for the government's responses to interrogatories 2, 15 and 16.

Please provide an appropriate verification for all factual assertions made in the United States' Responses to Defendant Abbott's First Set of Interrogatories. Alternatively, please provide an explanation for why the United States is not obligated to provide such a verification. If we do not receive a satisfactory response from you by February 22, 2007, we intend to file a motion to compel with the Court.

We do not believe that any meet-and-confer beyond this letter and your response is necessary on this issue.

Very truly yours,

/s/ R. Christopher Cook

R. Christopher Cook

cc: Renée Brooker  
Gejaa Gobena  
Justin Draycott  
Ann St. Peter-Griffith  
Mark A. Lavine  
John Neal  
James J. Breen